

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 13, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Hawaii

Consent to Assign General Lease No. S-5415, Charles Mahi III, Assignor, to  
Li'ula Charlyn Mahi, Assignee, Kikala-Keokea, Puna, Hawaii; Tax Map Key: 3<sup>rd</sup>/  
1-2-43:15.

APPLICANT:

Charles Mahi III, as Assignor, to Li'ula Charlyn Mahi, single, Tenant in Severalty, whose  
mailing address is 1411 Railroad Avenue, Hilo, Hawaii 96720, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Kalapana Section, Kikala-Keokea Residential  
Subdivision situated at Kikala and Keokea, Puna, Hawaii, identified by Tax Map Key:  
3<sup>rd</sup>/ 1-2-43:15, Lot 15 consisting of approximately 1.06 acres, as shown on the attached  
map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

65-years, commencing on January 1, 1997 and expiring on December 31, 2061. First  
rental reopening is scheduled for January 1, 2022.

ANNUAL RENTAL:

For the first ten (10) years of the lease, no rent will be charged. That for the next fifteen (15) years, commencing on January 1, 2007, the sum of \$132.00 per annum as amended and approved by BLNR at its meeting of September 8, 2006, Item D-5.

CONSIDERATION:

Gratis

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Assignor/Assignee are individuals and, as such, are not required to register with DCCA.

REMARKS:

Pursuant to the authority granted by the Legislature of the State of Hawaii in Act 314, Session Laws of Hawaii 1991, as amended by Act 172, Session Laws of Hawaii 1993 and Act 81, Session Laws of Hawaii 1994, the Department was authorized to negotiate and enter into long term residential leases to persons living in Kalapana who were dispossessed or displaced as a result of the volcanic eruptions on the island of Hawaii, which began January 3, 1983, and persons who meet the qualifications of Section 13D-3(b), Hawaii Revised Statutes.

At its meeting of December 16, 1994, under agenda item F-3, the Board authorized the awarding of direct residential leases, pursuant to Act 314 at Kikala-Keokea, Puna, Hawaii. A drawing of lots was conducted on December 9, 1995 and Charles Mahi III was awarded a 65-year residential lease under General Lease No. S-5415.

The lease states "... provided that prior written approval of the Board the assignment and transfer of this lease or any portion may be made if:

1. The proposed assignee or transferee: (1) meets the eligibility criteria set forth in Act 314, Session Laws of Hawaii 1991, as amended; or (2) is a designated successor of the lease on a form approved by the Lessor; provided that the designated successor is the spouse, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, or granddaughter of the Lessee; or (3) is a descendant of the Lessee

2. The proposed assignee or transferee shall agree in writing, as a condition

precedent, to abide by and to be bound by the terms, conditions and covenants of the lease agreement.

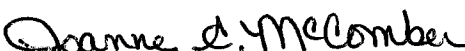
Charles Mahi III has indicated that he does not intend to live on the property and would like to assign his interest to his daughter Li'ula Charlyn Mahi, who is listed on the Designation of Successor and Assignee to Kikala-Keokea Lease No. S-5415 on Lot 15, approved by Chairperson on December 28, 1995.

RECOMMENDATION:

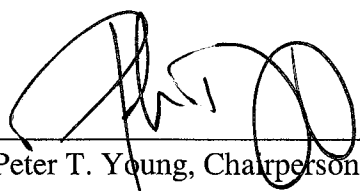
That the Board consent to the assignment of General Lease No. S-5415 from Charles Mahi III, as Assignor, to, Li'ula Charlyn Mahi as Assignee, subject to the following:

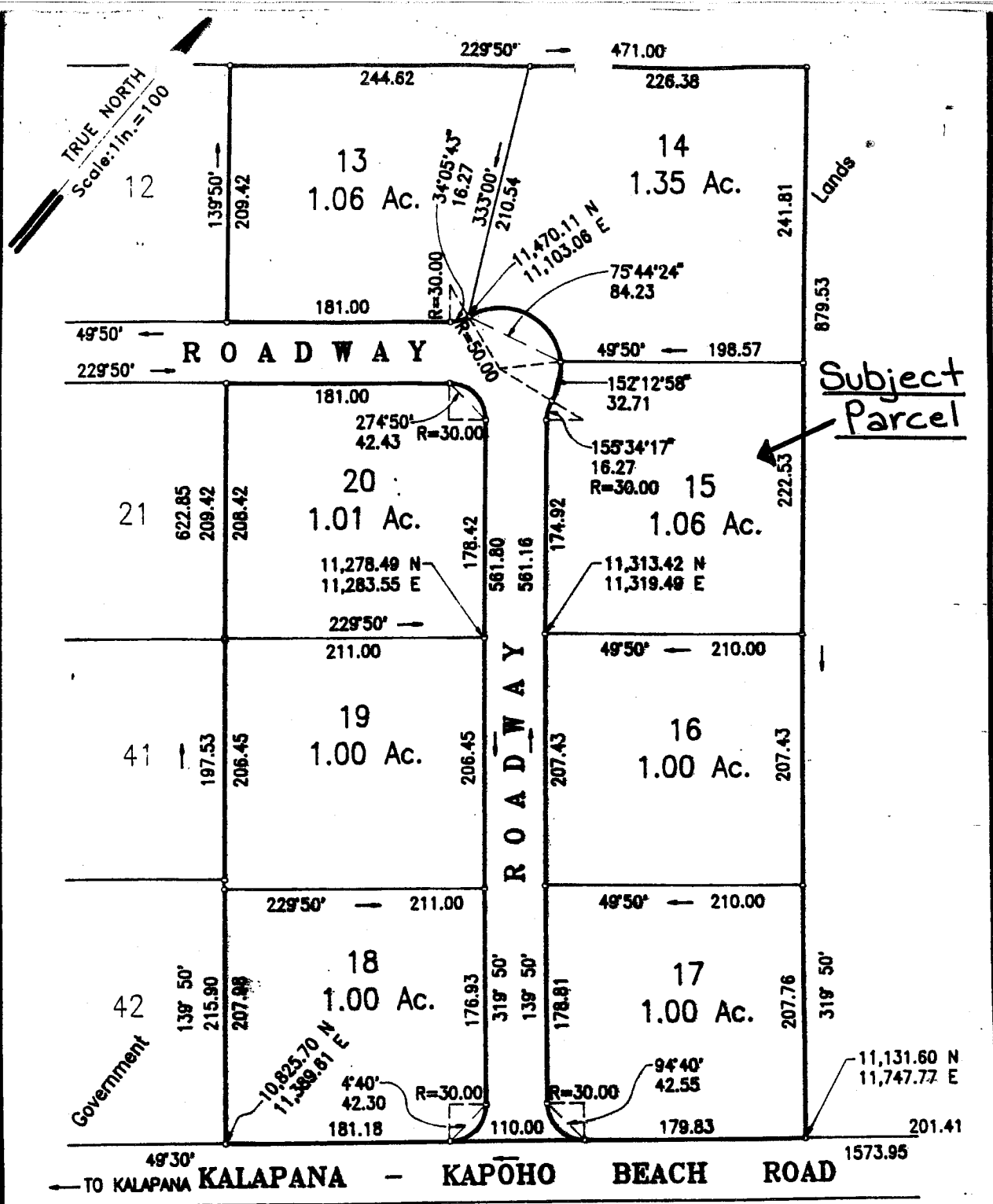
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Joanne E. McComber  
Land Agent

APPROVED FOR SUBMITTAL:

  
Peter T. Young, Chairperson



**KIKALA - KEOKEA RESIDENTIAL SUBDIVISION  
KALAPANA SECTION  
LOTS 13 TO 20, INCLUSIVE**

Kikala and Keokea, Puna, Island of Hawaii, Hawaii

Scale: 1 inch = 100 feet

JOB H-310(93)

C. BK. IBM. C.F.1, Zone 1, Hawaii

Coordinates referred to "HAKUMA" H.T.S. Δ

TAX MAP: 1-2-07  
HAWAII FILE

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

**STATE OF HAWAII**

C.G. Aug. 15, 1994

FOLDER 21

FILE: C:\RAYMOND\KIKALA\CSF5.DWG REDUCED

NOT TO SCALE

**EXHIBIT A**